PUB
Pemberton, J. Jr

EW:JLR/jte

APR 6 1964

Gen

Mr. John de J. Pemberton, Jr.
Executive Director
American Civil Liberties Union
156 Fifth Avenue
New York 10, New York

Dear Mr. Pemberton:

I wish to thank you for taking the trouble to come down on March 31 to confer with Mr. Rankin and myself regarding the matters you presented in your letter of March 19. I felt that the conference was a satisfying one and it was quite helpful to us to have the benefit of your thoughts concerning some of our problems.

With regard to the questions which you ask in your letter, I wish to answer them for the Commission in the following manner.

1. Will Mr. Craig have the right to call witnesses and recall those witnesses who have already appeared? Yes.

2. If he is to have the right of cross-examination, will there be any specially imposed limitations? None.

3. As is the case of defence counsel in a criminal proceeding, will Mr. Craig be expected to assume the responsibility of pursuing every avenue of defense so as to best represent Oswald's interest? Will he be given the necessary funds to do so?

The answer to both these questions is "No" because the Commission does not concede that Mr. Craig's function is that of defense counsel in a criminal proceeding. First, the Commission recognizes that this proceeding is not a trial, that guilt in the manner of determination in a criminal case can not be ascertained and that Mr. Craig's function is limited to advising the Commission so that it may not overlook any proper consideration

in determining that the test of truth has been met by the Commission in the examination of any facets of the investigation pointing toward the involvement of Lee Harvey Oswald. The Commission believes that it is important that it, as well as the public, understands that there is not a proper analogy between the investigation now being conducted and a criminal trial.

4. Will he be asked to submit recommendations to the Commission, or file a brief.

Mr. Craig will be asked to submit such memoranda, briefs or recommendations to the staff of the Commission or the Commission as he may desire to present.

In accordance with my suggestion during our visit I trust that you will feel free at any time to make such recommendations or comments as occur to you which may be helpful to the Commission in the discharge of its responsibilities.

Sincerely,

Earl Warren

Chairman